

**UNITED STATES BANKRUPTCY COURT  
FOR THE DISTRICT OF MASSACHUSETTS  
EASTERN DIVISION**

In Re: Mark P. Valine	Case Number 16-13381-JNF Chapter 13
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**STIPULATION BY AND BETWEEN DITECH FINANCIAL LLC FKA GREEN TREE SERVICING LLC AND THE DEBTOR REGARDING MOTION FOR RELIEF FROM STAY**

Now come Ditech Financial LLC FKA Green Tree Servicing LLC (“Secured Creditor”) and Mark P. Valine (the “Debtor”) who state that cause exists for Secured Creditor obtaining Relief from the Automatic Stay with respect to the property identified as *26 Chandler Drive, South Dennis (Dennis), MA 02660* (the “Property”). The Property is encumbered by a first mortgage given by Debtor and non-debtor and co-mortgagor, Cheri Ann Valine to Mortgage Electronic Registration Systems, Inc. acting solely as nominee for America’s Wholesale Lender (the “Mortgage”). The Mortgage is dated January 6, 2006 and is recorded in Barnstable County Registry of Deeds in Book 20639, Page 46, as affected by a Loan Modification Agreement recorded at said Registry of Deeds in Book 28523, Page 24. Thereafter, the Mortgage was assigned to Secured Creditor.

Despite cause existing for Relief from the Automatic Stay, Secured Creditor is willing to forbear from exercising said relief under the following terms and conditions:

1. The total post-petition arrearage as of August 24, 2017 is/was \$13,673.12. This amount is comprised of the following:

Payments: 3/1/2017-5/1/2017	@ \$2,182.42/mo.	\$6,547.26
Payments: 6/1/2017-8/1/2017	@ \$2,186.78/mo.	\$6,560.34
Motion Fees and Costs:		\$1,031.00
Less Suspense Balance:		(\$465.48)
	<b>Total Amount Due:</b>	<b>\$13,673.12</b>

2. Commencing September 15, 2017 and monthly thereafter through February 15, 2018, the Debtor shall make monthly payments as set forth below:

Due Date	Monthly Mortgage Payment Amount	Monthly Arrearage Amount	Total Monthly Payment
September 15, 2017	\$2,189.86	\$2,278.86	\$4,468.72
October 15, 2017	\$2,189.86	\$2,278.86	\$4,468.72
November 15, 2017	\$2,189.86	\$2,278.86	\$4,468.72
December 15, 2017	\$2,189.86	\$2,278.86	\$4,468.72
January 15, 2018	\$2,189.86	\$2,278.86	\$4,468.72
February 15, 2018	\$2,189.86	\$2,278.82	\$4,468.68

3. All payment(s) required under this Stipulation (unless otherwise specified) shall be made in certified funds, payable to Ditech Financial LLC, and shall be mailed to the following address:

Ditech Financial LLC  
PO Box 0049  
Palatine, IL 60055-0049

4. Thereafter, commencing with the regular monthly post-petition payment due March 1, 2018, the Debtor shall resume making timely regular monthly post-petition mortgage payments pursuant to the due date set forth in the Note, and pursuant to the terms of the Note and Mortgage at issue.

**5. IF THE DEBTOR FAILS TO MAKE SAID PAYMENTS BY THE DATES SPECIFIED IN PARAGRAPH TWO AND/OR FOUR OF THIS STIPULATION, SECURED CREDITOR'S MOTION FOR RELIEF FROM STAY MAY BE GRANTED WITHOUT FURTHER HEARING BY THE COURT UPON THE FILING OF AN AFFIDAVIT OF NON-COMPLIANCE AFTER TEN (10) DAYS NOTICE OF DEFAULT TO THE DEBTOR AND THE DEBTOR'S ATTORNEY, BY FIRST CLASS POSTAGE PREPAID. THE DEBTOR HAS THE RIGHT TO OBJECT TO THE AFFIDAVIT OF NON-COMPLIANCE ONLY ON THE BASIS THAT THE PAYMENTS WERE MADE TIMELY UNDER THE STIPULATION. ALL REASONABLE COSTS ASSOCIATED WITH THE PREPARATION OF THE NOTICE OF DEFAULT AND THE FILING OF THE AFFIDAVIT OF NON-COMPLIANCE WILL BE CHARGED TO THE DEBTOR'S MORTGAGE ACCOUNT.**

6. Any tendering of a check to the Secured Creditor which is subsequently returned due to an insufficiency of funds in the account upon which the check is drawn shall not be considered a payment in compliance with the terms of this stipulation.

7. The terms of this Stipulation shall be null and void if this case is converted or dismissed.

Agreed on this September 20, 2017.

Ditech Financial LLC FKA Green Tree Servicing LLC,  
By Its Attorney:

/s/ Marcus Pratt  
Marcus Pratt, Esquire  
BBO #684610  
Korde & Associates, P.C.  
900 Chelmsford Street, Suite 3102  
Lowell, MA 01851  
Tel: (978) 256-1500  
bankruptcy@kordeassociates.com

Mark P. Valine,  
By His Attorney:

/s/ Richard D. Smeloff  
Richard D. Smeloff, Esquire  
BBO #567869  
Smeloff & Associates  
500 Granite Avenue, Suites 7 & 8  
Milton, MA 02186  
Tel: (617) 690-2124  
RSmeloff@msn.com

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**CERTIFICATE OF SERVICE**

I, Marcus Pratt, Attorney for **Ditech Financial LLC FKA Green Tree Servicing LLC** hereby certify that on September 20, 2017 I electronically filed the foregoing *Agreed Stipulation* with the United States Bankruptcy Court for the District of Massachusetts using the CM/ECF System. I served the forgoing documents on the following CM/ECF participants:

John Fitzgerald, U.S. Trustee  
Carolyn Bankowski, Trustee  
Richard D. Smeloff, Esquire

I certify that I have mailed by first class mail, postage prepaid the documents electronically filed with the Court on the following non-CM/ECF participants:

Mark P. Valine  
26 Chandler Drive  
South Dennis (Dennis), MA 02660

Tax Collector:  
Town of Dennis, MA  
P.O. Box 2060, 485 Main Street  
South Dennis (Dennis), MA 02660

Cheri Ann Valine  
26 Chandler Drive  
South Dennis (Dennis), MA 02660

The Bank of New York Mellon FKA The Bank of New York, as successor to JPMorgan Chase Bank, N.A., as Trustee for the Certificateholders of CWHEQ Revolving Home Equity Loan Trust, Series 2006-C  
1349 Empire Central Drive, Suite 150  
Dallas, TX 75247

/s/ Marcus Pratt  
Marcus Pratt, Esquire  
BBO #684610  
Korde & Associates, P.C.  
900 Chelmsford Street, Suite 3102  
Lowell, MA 01851  
Tel: (978) 256-1500  
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